



DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES

510 Tribal Consultation

Effective: April 1, 2015

Revised: May 1, 2017; October 26, 2020

Reviewed: October 26, 2020

References:

- Governor's Executive Order 2014-5, "Executive Agency Consultation with Federally-Recognized Indian Tribes" (<https://rules.utah.gov/execdoks/2014/ExecDoc155570.htm>)

Purpose:

This policy establishes processes of the Department of Administrative Services (DAS) for regular and meaningful consultation with Indian Tribes to comply with the provisions of Executive Order 2014-5, "Executive Agency Consultation with Federally-Recognized Indian Tribes" issued July 30, 2014.

Definitions:

Terms used in this policy are defined in Executive Order 2014-5.

Policy:

1. Designated Agency Official:

Pursuant to the terms of Executive Order 2014-5, DAS designates the following Agency Official to represent DAS for the purposes of implementing this policy:

Deputy Executive Director
4315 South 2700 West, Floor 3
Taylorsville, UT 84129-2128
Phone: 801-957-7171

2. Consultation Process:

Consultation consists of four phases: Identification, Notification, Input, and Follow-up:

1. **Identification Phase:** When contemplating a state action, DAS shall identify whether such action may have tribal implications per the guidelines of Executive Order 2014-5 and therefore requires consultation.
2. **Notification Phase:** If DAS determines a state action may have tribal implications and requires consultation, DAS will notify the Tribe(s) to request consultation.



- a. Consultation should occur early in the decision-making process to allow tribes the opportunity to provide meaningful input and give state agencies the opportunity to consider input by the tribe(s). DAS officials will determine the best time to begin consultation.
- b. Notification can occur in a number of ways depending on the nature of the proposed state action and the number of tribes potentially affected. For example, agencies may meet face-to-face with one or more tribes, may contact tribal governments by phone, through written correspondence, or provide notice through other accepted means.
- c. Notification includes sufficient information for Tribal Officials to make an informed decision about whether to participate in consultation and how to provide informed input. Sufficient information includes:
 - i. An overview of the contemplated state action,
 - ii. Description of the topic(s) to be discussed in consultation activities,
 - iii. A proposed timeframe during which consultation activities should take place and/or deadlines for Tribes submitting input, and
 - iv. The contact information for the designated Agency Official or other personnel who can respond to any questions, or provide any clarifications.

3. Input Phase:

- a. During the input phase, Tribal Officials will have the opportunity to submit input and discuss their questions and concerns. Input can be received in a number of ways depending on the nature of the proposed state action. Input can be received in face-to-face meetings, by phone, or by written communication.
- b. DAS will consider input received from Tribal Officials regarding the proposed action as part of its decision-making process. DAS may need to undertake subsequent rounds of consultation if there are significant changes in the originally-proposed activity, or as new issues arise.

4. Follow-up Phase: After DAS considers input received during the consultation process as part of its decision-making process and finalizes its action, DAS will follow-up with all Tribal Officials who participated in the consultation process as follows:

- a. The Agency Official will communicate the DAS decision on the action to Tribal Officials and Indian Tribes who participated in consultation.
- b. This communication will include: a description of the action for which consultation occurred; a description of consultation activities, including dates on which consultation occurred and names of those involved; the DAS decision on the action; and the contact information for the Agency Official or other personnel who can provide any technical assistance or respond to any questions.



3. Tribal Consultation Reporting:

To comply with the reporting requirement found in Section 5 of the Executive Order:

1. DAS will track information about consultation activities, including, but not limited to: the number of consultations conducted, the Tribe(s) which were consulted, Tribal Officials and agency officials or personnel who participated in the consultations, and the results of consultation efforts.
2. The designated Agency Official will compile a report of all consultation activities for the prior fiscal year and submit the report to the Division of Indian Affairs one month prior to the commencement of the annual Governor's Native American Summit, which is typically held in July.